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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,128	01/19/2001	Koichi Kawamura	019519-287	8099

7590

08/28/2002

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 08/28/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,128	KAWAMURA, KOICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lawrence D Ferguson	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Objections*

1. Claim 1 is objected to because of the following informalities: the wording 'comprising a polymer compound that is chemically bonded directly' are crowded too closely together, making reading and entry of amendments difficult. Appropriate correction is required.

### *Claim Rejections – 35 USC § 102(e)*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tashiro et al (U.S. 5,945,240).
4. Tashiro discloses a direct imaging lithographic printing plate comprising a support and an image receiving layer provided thereon, said image receiving layer containing a binder and water soluble (hydrophilic) compound having hydrophilic functional groups capable of forming a chelate compound with metal ions (abstract and column 1, lines 27-29 and 53-62) where the chelates with metal ions are comprised of

at least carboxylic acid group or a sulfonic acid group (abstract). Tashiro discloses surface roughness (column 2, lines 45-46 and column 5, line 56).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3 and 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro et al (U.S. 5,945,240).

7. Tashiro discloses a direct imaging lithographic printing plate comprising a support and an image receiving layer provided thereon, said image receiving layer containing a binder and water soluble (hydrophilic) compound having hydrophilic functional groups capable of forming a chelate compound with metal ions (abstract and column 1, lines 27-29 and 53-62) where the chelates with metal ions are comprised of at least carboxylic acid group or a sulfonic acid group (abstract). Tashiro discloses surface roughness (column 2, lines 45-46 and column 5, line 56). Tashiro does not disclose the thickness of the image-receiving layer. Even though Tashiro is silent towards the thickness of the image-receiving layer, thickness is result effective and is therefore an optimizable feature. It would have been obvious to one of ordinary skill in the art to optimize the components because discovering an optimum or workable range

involves only routine skill in the art. (See *In re Aller*, 105 USPQ 233 and *In re Boesch*, 617 F.2d (CCPA 1980)).

***Claim Rejections – 35 USC § 102(e)***

8. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tashiro et al (U.S. 5,939,228).

9. Tashiro discloses a direct imaging lithographic printing plate comprising a support and an image receiving layer provided thereon, said image receiving layer containing a binder and water soluble (hydrophilic) compound having hydrophilic functional groups capable of forming a chelate compound with metal ions (abstract and column 2, lines 30-45) where the chelates with metal ions are comprised of at least carboxylic acid group or a sulfonic acid group (abstract). Tashiro discloses surface roughness (column 20, line 56).

***Claim Rejections - 35 USC § 103***

10. Claims 1, 3 and 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro et al (U.S. 5,945,240).

11. Tashiro discloses a direct imaging lithographic printing plate comprising a support and an image receiving layer provided thereon, said image receiving layer containing a binder and water soluble (hydrophilic) compound having hydrophilic

functional groups capable of forming a chelate compound with metal ions (abstract and column 2, lines 30-45) where the chelates with metal ions are comprised of at least carboxylic acid group or a sulfonic acid group (abstract). Tashiro discloses surface roughness (column 20, line 56). Tashiro does not disclose the thickness of the image-receiving layer. Even though Tashiro is silent towards the thickness of the image-receiving layer, thickness is result effective and is therefore an optimizable feature. It would have been obvious to one of ordinary skill in the art to optimize the components because discovering an optimum or workable range involves only routine skill in the art. (See *In re Aller*, 105 USPQ 233 and *In re Boesch*, 617 F.2d (CCPA 1980)).

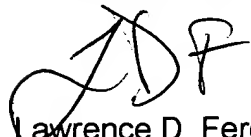
### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for

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After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Lawrence D. Ferguson  
Examiner  
Art Unit 1774

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

